

EXPRESS MAIL CERTIFICATE

Date 4-15-02 Label No. EV 028647320-45

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 by Express Mail Post Office to Addressee service.

1118/70951

Name (Print)

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X

METAGENICS, INC.

Opposer,

v.

Opposition No. 111,016

COLLAGENESIS, INC.,

Applicant.

-----X

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

Collagenesis, Inc. is currently in bankruptcy proceedings and the Chapter 7 Trustee has requested that all current trademark matters being handled by Darby & Darby be transferred to the Chapter 7 Trustee for Collagenesis, Inc., Mark DeGiacomo, Esq. of Murtha, Cullina, Roche, Carens & DeGiacomo, 99 High Street, Boston, Massachusetts 02110.

Accordingly, the firm of Darby & Darby, P. C., including the undersigned attorney, Bert J. Lewen, hereby seeks leave to withdraw as attorneys of record in the above-referenced opposition pursuant to 37 C.F.R. §§ 2.19(b) and 10.40(b)(4).

All future correspondence should be sent to:

Mark DeGiacomo, Esq.
Murtha, Cullina, Roche, Carens & DeGiacomo
99 High Street
Boston, Massachusetts 02110

All relevant documents are being delivered to the Chapter 7 Trustee concurrently

with the filing of this motion for withdrawal.

A similar request to withdraw as counsel of record is also being filed in connection with Trademark Application Serial No. 75/133,490.


A copy of this motion has also been sent to the attorneys for the Opposer and to the Chapter 7 Trustee.

In light of the above, it is respectfully requested that this Request be granted.

Respectfully submitted,

DARBY & DARBY P.C.

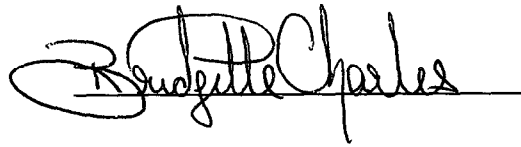
Dated: April 15th, 2002

By: 
Bert J. Lewen
805 Third Avenue
New York, New York 10022
212-527-7700

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **MOTION TO WITHDRAW AS ATTORNEY OF RECORD** was served by first-class mail, postage prepaid this 15th Day of April, 2002 on Opposer's attorney at the address set forth below:

Gurujodha S. Khalsa, Esq.
Metagenics, Inc.
100 Aveida La Pata
San Clemente, CA 92673

A handwritten signature in black ink, appearing to read "Rudette Charles", written over a horizontal line.

**DARBY &
DARBY**

PROFESSIONAL
CORPORATION

INTELLECTUAL PROPERTY LAW

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

TRACKING INFORMATION
02 APR 19 PM 9:22

April 15, 2002

Reference: 1118/8G167

VIA EXPRESS MAIL

Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

TODD MARTIN
ATTORNEY AT LAW
212-527-7678
tmartin@darbylaw.com



04-15-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #66

Re: **Motion to Withdraw as Counsel of Record**
Opposition No.111,016
Mark: COLLAGENESIS

Dear Commissioner:

Enclosed is a Motion to Withdraw as Counsel of Record pursuant to 37 C.F.R. §§
2.19 and 10.40.

Collagenesis, Inc. is in bankruptcy and their Chapter 7 Trustee has asked that this
file be transferred to him. The file in this matter will be sent to the Trustee's office
concurrently.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Todd Martin

Enclosure

cc: Mark DeGiacomo, Esq.
Gurujodha S. Khalsa, Esq.

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Date **4-15-02** Label No. **EVO28647320-WS**

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addressed for delivery to the Assistant Commissioner for
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by "Express Mail Post Office to Addressee" service.

D. I. DAVIS
Name (Print)

D. I. Davis
Signature

J.A.